

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON *FILED 22 FEB 2012 16:21 USDC-OR*

UNITED STATES OF AMERICA
v.

**ORDER SETTING CONDITIONS
OF RELEASE**

John Kinnucan

Case Number: 12-MJ-35

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violations of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C § 14135a.
- (3) The defendant shall immediately advise the court through Pretrial Services or defense counsel in writing of any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear as directed by U.S. District Court.

Additional Conditions of Release

IT IS FURTHER ORDERED that the defendant be released provided that the defendant:

- Report as directed by the U.S. Pretrial Services Office.
- Find and maintain gainful full-time employment, approved schooling or a full-time combination of both, as directed by Pretrial Services.
- Do not change place of residence without the prior approval of U.S. Pretrial Services.
- Travel is limited to Oregon and to SD/NY, ED/NY and surrounding areas for court purposes only unless prior approval is obtained from U.S. Pretrial Services.
- Surrender any passport or international travel documents to Pretrial Services or submit a statement to Pretrial Services that the defendant does not possess a passport or international travel documents. The defendant is not to apply for a new passport or international travel documents.
- Do not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. Section 802, unless prescribed by a licensed medical practitioner.
- Do not use, possess, or consume alcohol.
- The defendant shall submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- Participate in drug/alcohol assessment and undergo counseling as directed by U.S. Pretrial Services.
- Neither own, possess, nor control any firearm (or any weapon).
- The defendant shall be monitored by the form of location monitoring indicated below and shall abide by all technology requirements. The participant shall pay all or part of the costs of participation in the location monitoring program as directed by the court and/or the pretrial services officer.

() Radio Frequency (RF) Monitoring

(X) Active GPS Monitoring (including hybrid GPS)

This form of location monitoring technology shall be utilized to monitor the following location restriction:

() Curfew. You are restricted to your residence every day () from ____ to ____, or () as directed by the supervising officer.

(X) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment, attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services officer.

() Home Incarceration. You are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the court.

() No Location Restriction.

- The defendant shall not have contact with the following named persons: SD/NY AUSAs, employees of SD/NY U.S. Attorney's office, FBI personnel, victims and potential witnesses. The defendant shall not threaten any persons related to this case.
- The defendant is to pay a percentage of all fees for services obtained while under Pretrial Services Supervision.
- The defendant is placed in the custody of: wife, Catherine Kinnucan
who agrees a) to supervise the defendant in accordance with all conditions of release, b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed (Custodian or Proxy): _____ Date: _____

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, forfeiture of bond, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for no more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for no more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned no more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both;

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Signature of Defendant

City, State & Zip

Special Needs Finding:

Based upon the above conditions, including the conditions relating to:

Alcohol detection
 Drug detection
 Computer monitoring

The Court is reasonably assured the defendant will appear as directed and not pose a danger to the community or any other person.

Directions to the United States Marshal

The defendant is ORDERED released after processing.
 The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk, Pretrial Services or judicial officer that the defendant has posted bond and/or complied with all other conditions for release including space availability at a community corrections center or residential treatment facility. If still in custody, the defendant shall be produced before the duty Magistrate Judge on _____ at _____

Date: February 21, 2012



Signature of Judicial Officer

Janice M. Stewart
U.S. Magistrate Judge

Name and Title of Judicial Officer

cc: Defendant, US Attorney, US Marshal, Pretrial Services